

I. PURPOSE

This policy outlines and governs IACIS' application of ethics and professional conduct to all IACIS personnel regardless of class, status, or position within the organization. The policy establishes the requirement for all IACIS personnel to adhere to an established Code of Ethics and Professional Conduct. The policy establishes guidelines for conducting investigations, when warranted, regarding Ethics and Professional Conduct. IACIS personnel, as referred to throughout this document, includes members of the corporation, employees, certification candidates, certificants, and persons who participate in a training event.

II. DEFINITIONS

A. Complaints:

A complaint refers to any alleged violation of the IACIS Code of Ethics and Professional Conduct or other IACIS policies.

B. Finding:

A finding is the subjective opinion of the Director of Ethics, the Ethics Investigative Sub-Committee Chair, an Ethics or Ethics Sub-Committee member or Investigative Team member who summarizes an investigation. Findings will be based upon a preponderance of evidence.

a. Not Sustained:

Either the preponderance of evidence does not clearly indicate the alleged act did or did not occur or there is insufficient evidence to support the allegation.

b. Exonerated:

A specific act or acts did occur, but were justified, and/or lawful and/or proper.

c. Unfounded:

A specific act or acts did not occur and/or, did not involve IACIS, or if the complaint is determined to be unfounded.

d. Sustained:

There is a preponderance of evidence that the alleged violation occurred.

e. Dismissed with Prejudice:

Investigation of the complaint is determined to be unwarranted and future complaints containing the same allegation(s) will not be investigated.

f. Dismissed without prejudice:

There is insufficient information provided in the complaint to proceed with an investigation.

C. Investigative Team:

A team assembled by the Ethics Investigative Sub-Committee to investigate allegations of violations as provided in II. (A).

D. Preponderance of Evidence:

The threshold used to establish if an alleged violation occurred. This preponderance is based on the more convincing evidence and its probable truth or accuracy, and not on the amount of evidence.

III. CODE OF ETHICS AND PROFESSIONAL CONDUCT

All IACIS personnel, both in their professional capacity and as individuals, are expected to hold themselves to the highest standard of integrity and ethical behavior. IACIS' reputation for integrity, as well as the reputation for integrity of its personnel, is one of its most valuable assets. As one means to promote the highest quality of personal and professional conduct of its personnel, IACIS has adopted this Code of Ethics and Professional Conduct. Although all of IACIS personnel are expected to adhere to this Code of Ethics and Professional Conduct, it does not provide a set of rules to govern every situation. The Code of Ethics and Professional Conduct is intended to serve as a statement of principles to focus our attention on areas of ethical risk; provide guidance for recognizing and dealing with ethical issues as they arise; and foster a culture of honesty, integrity, and accountability for the of IACIS personnel.

- A. IACIS personnel will advise and provide assistance to other IACIS personnel within the scope of their legal authority.
- B. IACIS personnel will be honest and ethical when dealing with each other.
- C. IACIS personnel must respect the rights and authorities of the directors, fellow members, and individuals encountered as a result of their membership in IACIS or in connection with IACIS sponsored or sanctioned activities.
- D. IACIS personnel's actions, when representing or acting on behalf of IACIS, must be free from discrimination, libel, slander or harassment. Each person must be accorded equal opportunity, regardless of age, race, sex, sexual preference, color, creed, religion, national origin, marital status, veteran's status, handicap or disability.
- E. IACIS personnel may not misrepresent their credentials, employment, education, training and experience, or membership status; nor may they misrepresent the credentials, employment, education, training and experience, or membership status of any other member of IACIS.
- F. IACIS personnel may not issue public statements that appear to represent the position of IACIS without specific written authority from the Board of Directors.
- G. IACIS personnel must not commit any act of professional dishonesty.
- H. IACIS personnel may not knowingly submit, aid or abet the submission of plagiarized or any non-uniquely authored piece of work during any phase of an IACIS certification process or test. To do so will be considered to have been a dishonest act.
- I. IACIS personnel have an obligation to report acts or suspected acts of dishonesty committed by IACIS personnel. Failure to report acts or suspected acts of dishonesty will be considered to have been a dishonest act.
- J. IACIS personnel's criminal convictions are a serious affront to the ideals of IACIS and as such are not tolerated.
- K. IACIS personnel have an obligation to fully and honestly cooperate with any investigation or inquiry conducted at the direction of the IACIS Ethics Committee or members of an IACIS Investigative Team.

Any member of IACIS who violates any of the provisions of the Code of Ethics and

Professional Conduct or fails to fully and honestly cooperate with any investigation or inquiry of the IACIS Ethics Committee may be subject disciplinary action, including, without limitation, censure, suspension, or expulsion by action of the Board of Directors or the membership as provided for under Oregon state law.

IV. ETHICS STANDING COMMITTEE

- A. The IACIS Ethics Committee shall oversee and administer all investigative functions for alleged violations of the IACIS Code of Ethics and Professional Conduct.
- B. The Chairman of the Ethics Committee, (Board Member and Director of Ethics appointed by the IACIS Board of Directors) will preside over the Ethics Committee, determine the number of members serving on the Ethics Committee, and approve all assignments of personnel serving as members of Ethics Investigative Sub-Committee and Investigative Teams.
 - a. In the case of an allegation against the Chairman of the Ethics Investigative Sub-Committee, the Director of Ethics shall oversee the actions of the Ethics Investigative Sub-Committee until the allegation is resolved.
 - b. In the case of an allegation against the Ethics Director, the IACIS Chairman of the Board shall oversee the actions of the Ethics Investigative Sub-Committee until the allegation against the Ethics Director is resolved.
- C. The primary function of the Ethics Committee is to receive and review all allegations of Ethics and Code of Professional Conduct violations, review reports from Investigative Teams, and provide a Report of Findings (Investigative Team) and Summary Report (Sub-Committee Chairman) for all allegations of Ethics and Code of Professional Conduct violations to the Director of Ethics. Upon completion of the report, the Director of Ethics will provide a copy of the final Report of Findings to the Chairman of the Board of Directors.
 - a. The Ethics Committee will review the IACIS Code of Ethics and Professional Conduct annually and recommend any necessary changes to the Board of Directors.
 - b. Allegations of Code of Ethics and Professional Conduct violations will be submitted in accordance with Section VI of this policy. Each allegation will be reviewed by the Ethics Committee to determine if there is a need to assemble an Investigative Team and what restrictive criteria will be in place for selecting Investigative Team Members. (Information within the allegation may need to preclude certain IACIS personnel from serving on the Investigative Team.)
 - c. The Investigative Team will be led by a designated member of the Ethics Committee and will consist of IACIS members who are not necessarily members of the Ethics Committee.
 - i. The basis for allegation(s) and the information gathered during an investigation (other than that material contained in the Final Report of Findings) shall remain confidential and may only be released by the Director of Ethics.
 - ii. All members of the Ethics Committee and Investigative Team must

sign a “Non-Disclosure Agreement and Statement of No Conflicting Interest”.

- d. Reports from Investigative Teams will be received and reviewed by the Ethics Investigative Sub-Committee and a Report of Findings prepared. Based on the Investigative Team’s reports, the Chair of the Ethics Investigative Sub-Committee will draft a Summary Report which will be submitted to the Director of Ethics along with the Report of Findings. The Summary Report will contain, for each alleged violation of the Code of Ethics and Professional Conduct, a Finding as provided for in II. (B)(a-f).
- D. IACIS will indemnify members of the Ethics Committee, Ethics Investigative Sub-Committee and any Investigative Team Members for official actions arising out of their work on behalf of the Ethics Committee. Official actions must be legal, adhere to the scope of this policy, and be objectively reasonable. No member of IACIS is authorized to direct or ignore illegal acts by its personnel, nor is any member of IACIS authorized to sanction or otherwise approve illegal acts by IACIS personnel.
- E. Ethics Committee expenses will be approved by the Director of Ethics. In general, this authorization will include expenses incurred in the performance of their assignments such as airfare, mileage, lodging, and per diem.

V. SUBMITTING A COMPLAINT

Complaints or allegations of violations of the IACIS Code of Ethics and Professional Conduct or other IACIS policies may be reported in writing via postal mail using the address listed on the IACIS website, e-mailed to the Director of Ethics at the address listed on the IACIS website, or related to the Director of Ethics in person or over the telephone. Correspondence sent via postal mail should be annotated (EYES ONLY – ETHICS).

VI. INVESTIGATIONS

Investigations will be conducted at the direction of the Ethics Committee once the Director of Ethics has received a complaint. Investigations will result in a Report of Findings and a Summary Report as provided for in IV. (C) (d) and, if appropriate, a Recommendations Summary which will be provided to the Chairman of the Board of Directors for action.

A. Complaints.

- a. Complaints may be submitted to the Director of Ethics in person, via telephone, fax, letter, or e-mail by complainants having knowledge of the alleged events.
 - i. Complaints cannot be acted upon until submitted to and received by the Director of Ethics.
 - ii. Complaints involving the Director of Ethics will be submitted directly to, or immediately provided to, the Chairman of the Board of Directors.

- b. Complaints may be made anonymously, in which case the complaint will first be examined to judge its credibility and determine if there is sufficient information on which to proceed.
- c. Complainants will be required to submit a complaint that is attributable to an individual (IACIS e-mail account, government e-mail account, signed letter, etc.) or the complaint will be handled as anonymous.
- d. All complaints should include sufficient details that clearly identify the party or parties involved, the allegation, and the circumstances involved in the alleged violation. Complaints that lack sufficient details may be dismissed pursuant to II. (B) (f).

B. Initial Review.

Upon receipt of a complaint, the Director of Ethics may provide a copy of the complaint to members of the Ethics Committee to help determine if the complaint will be investigated. The Director may, however, initiate an investigation after reviewing the complaint.

- a. Initial review of the complaint will be completed within 72 hours, or three business days, of receipt.
- b. Ethics will complete its initial review and initiate action on the complaint within 5 business days of receipt. At this stage, Ethics may take one of the following actions:
 - i. If warranted, the Chairman of the Ethics Investigative Sub-Committee will assign an Investigative Team to handle the complaint;
 - ii. The Ethics Investigative Sub-Committee may make a Finding that the complaint is to be dismissed without prejudice. This will be provided, along with the reasons for the findings, to the Director of Ethics. After review, the Director of Ethics may affirm the Finding, or direct other investigative steps as appropriate to further the investigation into the violations alleged.
- c. If, as provided for in (i) above, an investigation is warranted, concurrently with the assignment of an investigative team, notification will be made to the accused member that IACIS is conducting an investigation or inquiry into alleged violations of IACIS' Code of Ethics and Professional Standards. Such notification will be sent via Registered U.S. Mail by the IACIS Board Secretary. If the recipient is outside the United States, then an appropriate means of delivery comparable to Registered U.S. Mail will be used at the discretion of the IACIS Board Secretary.

C. An Investigative Team will, when warranted, be assigned to handle the complaint. The team may conduct interviews, request the production of and review supporting evidence, and present a Report of Findings to the Ethics Investigative Sub-Committee.

- a. The investigation will be conducted discretely, preserving, to the extent possible, the confidentiality of all aspects of the investigation and its participants. No aspect of the investigation will be discussed with anyone outside of the Investigative Team without direct authorization from the Chairman of the Ethics Committee.

- b. The Investigative Team will provide appropriate and timely updates on the investigation to the Chairman of the Ethics Investigative Sub-Committee.
 - c. The Ethics Director will provide appropriate updates on the investigation to the IACIS Chairman of the Board.
 - d. A detailed accounting of the investigation and any investigative notes not fully-incorporated into the Report of Findings will be provided, along with the Investigative Team's findings, Report of Findings, directly to the Chairman of the Ethics Investigative Sub-Committee.
- D. Ethics Investigative Sub-Committee Final Review.

Upon the completion of an investigation, the Ethics Investigative Sub-Committee will review the investigative notes and Report of Findings provided. The Chairman of the Ethics Investigative Sub-Committee will prepare a Summary Report for submission to the Director of Ethics.

 - a. Only those details pertinent to the findings will be included in the Summary Report.
 - b. The Summary of Findings will not include recommendations for subsequent action.
- E. Director of Ethics Final Review.

Upon the completion of an investigation, the Director of Ethics will review the investigative notes, Report of Findings, and the Summary Report provided by the Chairman of the Ethics Investigative Sub-Committee, and Investigative Team. The Director will prepare a Recommendations Summary for submission to the Chairman of the Board of Directors.

 - a. Only those details pertinent to the findings will be included in the Summary Report.
 - b. The Report of Findings will not include any recommendations for subsequent action.
 - c. The report or any documents pertinent to the incident will not be disclosed to anyone other than the Chairman of the Board, or in his/her absence, his/her designee. Under no circumstances will the findings, recommendations, or disposition be communicated by anyone until resolved by the Board of Directors as further described in Section VII of this policy.
- F. Cooperation with Law Enforcement Personnel or Other Entities with Statutory Authority.

Depending on the nature of the complaint and/or the underlying details, the matter may result in an investigation by an entity with statutory authority such as a department's Internal Affairs or Office of Professional Responsibility.

 - a. In these cases, proprietary IACIS documents may be released to the requesting agency upon receipt of an official written request and a signed non-disclosure agreement. For the purpose of this section, IACIS proprietary documents do not include material submitted by a candidate involved in a certification program.
 - b. Upon receipt of a valid legal requirement (e.g. subpoena or search warrant), IACIS will release any requested material in its possession.
 - c. The Director of Ethics may, after notification to the IACIS Chairman of the

Board, discuss the matter under investigation with the requesting entity's representative, in the most general terms possible, for the purpose of refining what material is needed by the requesting agency and to refine any written request under consideration.

- d. Upon receipt of a valid request as outlined above, the Director of Ethics will oversee preparation of the material sought and provide it to the IACIS Board Secretary.
- e. Material provided pursuant to a valid request will be provided to the requesting agency via trackable shipment (UPS, FedEx, USPS) by the IACIS Board Secretary. If the recipient is outside the United States, then an appropriate means of delivery comparable to UPS, FedEx, USPS trackable shipments will be used at the discretion of the IACIS Board Secretary.

VII. Final Disposition

- A. The Chairman of the Board of Directors will provide a copy of all available documentation to each of the current members of the Board of Directors.
- B. The Board of Directors will begin the deliberative phase to determine the disposition of the allegations and findings. The final disposition rendered in each case must be supported by a majority of the entire Board of Directors.
- C. In the event the matter under consideration is an alleged criminal conviction of an IACIS member, a certified exemplified copy of the journal entry of conviction and sentence, or in the case of a court outside the United States of America, the equivalent proof of conviction and sentencing shall constitute sufficient evidence upon which the Board of Directors may take administrative and/or disciplinary action up to and including dismissal of the member. In the event the matter under consideration is an alleged criminal conviction of an IACIS Director, the certified exemplified copy of journal entry of conviction and sentencing shall constitute sufficient evidence upon which the Board of Directors may take administrative and/or disciplinary action up to and including revocation of membership or certification(s).
- D. Once final action has been taken on the allegations, if any, by the IACIS Board of Directors the complainant will be notified in general terms of the disposition of the complaint. Such notification will be sent via Registered U.S. Mail by the IACIS Board Secretary. If the recipient is outside the United States, then an appropriate means of delivery comparable to Registered U.S. Mail will be used at the discretion of the IACIS Board Secretary. In the event of an anonymous complaint, no notification will be sent.
- E. Once final action, if any, has been taken by the Board of Directors, the accused IACIS member will be notified. Written notification, if any, will be sent via Registered U.S. Mail by the IACIS Board Secretary. If the recipient is outside the United States, then an appropriate means of delivery comparable to Registered U.S. Mail will be used at the discretion of the IACIS Board Secretary.

VIII. All records related to a complaint – including the original complaint, emails related



International Association of Computer Investigative Specialists IACIS Code of Ethics and Professional Conduct

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to the complaint, committee reports, and Investigative Team documents – will be archived by the Chairman of the Ethics Committee and provided to the IACIS Board Secretary to be securely stored in accordance with the Records Retention Policy. Except as provided for in IACIS' By-Laws, only the Chairman of the Board of Directors may authorize someone to access the archived records of an ethics complaint. *(Nothing in this document precludes the production of any documents previously outlined upon proper legal service to IACIS by a United States court of competent jurisdiction.)*

IX. PREVIOUS POLICIES

This policy supersedes all previous policies regarding ethics or professional standards. Specifically, this policy, in its entirety, shall replace the following IACIS policies by reference to name and date (printed within the document or metadata in the file):

International Association of Computer Investigative Specialists IACIS Code of Ethics and Professional Conduct Effective: July 2, 2014

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